

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 01-00160-04 SOM
)	
Plaintiff,)	DECLARATION OF COUNSEL
)	
v.)	
)	
JOSEPH PAJARDO,)	
)	
Defendant.)	
_____)	

DECLARATION OF COUNSEL

I, Glenn Choy, declare that:

1. Declarant is the attorney for JOSEPH PAJARDO in the captioned matter; Defendant was originally sentenced on March 29, 2004; he is presently confined at Lompoc USP;

2. Defendant appealed his sentence; by Memorandum filed January 9, 2006, the 9th Circuit remanded this case under U.S. v. Ameline, 409 F.3d 1073 (9th Cir. 2005) for resentencing on the issues of the calculation of drug amounts pled to, and the issue of the propriety of the enhancement for gun possession; the 9th Circuit further dismissed Defendant's appeal of the District Court's denial of mitigation of sentence due to coercion under U.S.S.G. Section 5K2.12;

3. Via filing on June 13, 2006, Defendant petitioned the U.S. Supreme Court for a writ of certiorari on the coercion issue;

4. Despite the passage of three months since filing, the U.S. Supreme Court has yet to reject the petition or otherwise rule on it;

5. Defendant now requests a continuance of

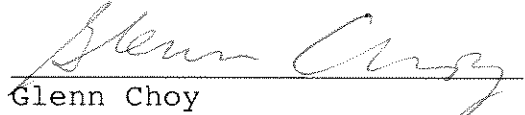
resentencing to allow time for disposition of the mentioned writ, so that all issues for resentencing are before the District Court at one hearing;

6. On today's date, Declarant spoke with AUSA Michael Kawahara on the phone; Mr. Kawahara gave Declarant to believe that he had no objection to the instant request for continuance;

7. Defendant requests a continuance of resentencing of six months for reasons above-stated;

I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED ON SEPTEMBER 12, 2006.


Glenn Choy
Attorney for JOSEPH PAJARDO